



King County Office of Citizen Complaints – Ombudsman

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Whistleblower Protection Code Summary

Please review this summary and the Whistleblower Protection Code (KCC 3.42) before completing a whistleblower complaint form.

I. What improper governmental action is:

Improper governmental action is defined as any action by a county officer or employee undertaken in the performance of official duties which:

- A. Violates any state or federal law or rule or county ordinance or rule, or
- B. Constitutes an abuse of authority, or
- C. Creates a substantial or specific danger to the public health or safety, or
- D. Results in a gross waste of public funds.

II. What improper governmental action is not:

Improper governmental action does not include personnel actions or authorized action to which an employee or the investigating authority dissents.

Employees may not report privileged information or information that is legally protected from disclosure. Also, the report of an employee's own improper governmental action does not provide immunity from discipline.

III. Reporting improper governmental action:

Improper governmental action should be reported in writing to:

- A. Sexual harassment: supervisor, department director, or other agency as specified in county's adopted procedures for reporting sexual harassment;
- B. Employment discrimination: supervisor; department director; or other agency as specified in county's adopted procedures for reporting employment discrimination; or the Office of Civil Rights;
- C. Judicial misconduct: the Washington State Commission on Judicial Conduct;
- D. Police misconduct: the Sheriff's Internal Investigations Unit;
- E. Misconduct within District Court administration: Presiding Judge of District Court;
- F. Misconduct within Superior Court administration: Presiding Judge of Superior Court;
- G. Misconduct within Judicial Administration: Director/Clerk of Superior Court or the ombudsman;
- H. Misconduct within the legislative branch: Chair of the County Council;
- I. Misconduct within the executive branch: the King County Executive, department director of the appropriate executive agency, or the ombudsman;
- J. Misconduct within the Department of Assessments: the Assessor or the ombudsman;

- K. Violations of criminal laws: King County Prosecuting Attorney
- L. Violations of the Ethics Code: ombudsman.

IV. Protection for reporting:

Employees who act in good faith and in compliance with the law, are protected from retaliation for reporting improper governmental action or cooperating in a resulting investigation. To the extent allowed by law, the identity of employees reporting and providing information about improper governmental action shall remain confidential, unless the employees waives that right, in writing (KCC 3.42.040).

V. Retaliation is prohibited:

County officers or employees are prohibited from retaliating against any employee, who in good faith and in accordance with the law, reported improper governmental action. Retaliation means to make any unwarranted adverse change in an employee's employment status, terms or conditions.

Retaliation includes: denial of staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion, reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal or other unwarranted disciplinary action.

Retaliation also includes hostile actions by one employee towards another that were encouraged by a supervisor, senior manager, or official.

VI. Reporting retaliation:

Reports of retaliation should be made, in writing and within 30 days of the occurrence alleged to constitute retaliation, to the ombudsman. The complaint must be signed and must specify the alleged act of retaliation and any relief requested.

The code requires the ombudsman to immediately forward the retaliation report to the head of the branch or department in which the retaliation is alleged to have occurred. The department has 30 days to respond to a report of retaliation. The department responds directly to the employee (complainant), and is allowed one 45-day extension which is initiated by notifying the complainant.

VII. Appeal Procedures:

If the department fails to respond to a report of retaliation within 45 days, or if the complainant is dissatisfied with the response, the complainant may request a hearing with the State Office of Administrative Hearings. The complainant has 15 days to deliver a request for a hearing to the head of the branch in which the alleged retaliation occurred.

For more information or questions about whistle blowing or reporting retaliation, please contact the Ombudsman Office.